

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES S. ELIASON,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 08-5755
	:	
v.	:	
	:	
COUNTY OF LEHIGH, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 13th day of August, 2009, upon consideration of the Motion to Dismiss the Amended Complaint of Defendants County of Lehigh, Warden Dale A. Meisel, Lieutenant Brian Dugan, Correctional Officer Gulliver, and Correctional Officer Schaeffer (Doc. No. 14), Primecare Medical, Inc.'s Motion to Dismiss the Amended Complaint (Doc. No. 13) and Plaintiff's Responses (Doc. Nos. 15, 16), it is hereby ORDERED as follows:

1. Warden Dale A. Meisel's Motion to Dismiss is GRANTED and all claims against Warden Dale A. Meisel are DISMISSED WITHOUT PREJUDICE. Plaintiff shall be granted thirty (30) days to amend his Amended Complaint only with regard to Defendant Meisel and to file another Amended Complaint;

2. The Motions to Dismiss the Amended Complaint of Defendant Lieutenant Brian Dugan, Correctional Officers Gulliver and Schaeffer, and the County of Lehigh are DENIED. Defendants Dugan, Gulliver, Schaeffer, and the County of Lehigh shall file an answer within twenty (20) days of Plaintiff filing another Amended Complaint, or fifty (50) days from the date of this Order, should Plaintiff elect not to file another Amended Complaint;

3. Defendant Primecare Medical, Inc.'s Motion to Dismiss the Amended Complaint is GRANTED IN PART and DENIED IN PART. Primecare's Motion to Dismiss is GRANTED with respect to Counts I, II, and IV of Plaintiff's Amended Complaint, and those claims are DISMISSED WITH PREJUDICE. Primecare's motion is DENIED with respect to Count V of Plaintiff's Amended Complaint.

4. Plaintiff's remaining claim against Primecare for corporate negligence contained in Count V is transferred to the Court of Common Pleas of Lehigh County.

BY THE COURT:

S/ Joel H. Slomsky

J.